

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

PETER POE, et al.,

Plaintiffs,

v.

GENTNER DRUMMOND, et al.,

Defendants.

Case No. 23-CV-00177-JFH-SH

NOTICE OF AGREEMENT

**AND JOINT MOTION (I) TO EXTEND TIME FOR DEFENDANTS TO
RESPOND TO PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION
(II) TO EXTEND TIME FOR PLAINTIFFS TO REPLY TO DEFENDANTS'
RESPONSE TO PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION
AND (III) TO RESET THE HEARING ON PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

On April 21, 2023, the Oklahoma State Legislature enacted Senate Bill 613 (“SB 613”), which was signed into law by Oklahoma Governor Stitt on May 1, 2023, and took immediate effect. On May 5, 2023, Plaintiffs executed service of their Motion for Preliminary Injunction requesting that this Court preliminarily enjoin SB 613 (Doc. No. 5).

Plaintiffs Peter Poe, Paula Poe, Patrick Poe, Daphne Doe, Donna Doe, Brandon Boe, Bethany Boe, Benjamin Boe, Lydia Loe, Lauren Loe, Ryan Roe, Rachel Roe, Richard Roe, and Dr. Shauna Lawlis (“the Plaintiffs”) and Defendants Oklahoma Attorney General Gentner Drummond, Members of the Oklahoma State Board of Medical Licensure and Supervision, Members of the Oklahoma Board of Nursing, and Members of the Oklahoma State Board of Osteopathic Examiners, (“the State Official Defendants”) agree to the following:

The State Official Defendants, including their officers, employees, agents, and successors, as well as those persons in active concert or participation with them, will not enforce any provision of

SB 613 in relation to conduct that occurs while Plaintiffs' Motion for Preliminary Injunction is pending before this Court or otherwise enforce any provision of SB 613 during the pendency of Plaintiffs' Motion for Preliminary Injunction.

Accordingly, the Parties jointly and respectfully request an additional twenty-one (21) days for Defendants to respond to Plaintiffs' Motion for Preliminary Injunction, until June 16, 2023, and for an additional ten (10) days for Plaintiffs to file their reply, until July 10, 2023.

In support of this Motion, Plaintiffs and State Official Defendants state:

1. Pursuant to Local Rule 7.1, State Official Defendants' response in opposition to Plaintiffs' Motion for Preliminary Injunction is due on or before May 26, 2023.
2. Plaintiffs' reply is due on or before June 9, 2023.
3. A hearing on Plaintiffs' Motion for Preliminary Injunction is scheduled for June 16, 2023.
4. This is Plaintiffs' and State Official Defendants' first request to extend the deadlines for briefing on Plaintiffs' Motion for Preliminary Injunction.
5. Plaintiffs' and State Official Defendants' agreement that State Official Defendants will not enforce any provision of SB 613 in relation to conduct that occurs while Plaintiffs' Motion for Preliminary Injunction is pending before this Court or otherwise enforce any provision of SB 613 during the pendency of Plaintiffs' Motion for Preliminary Injunction negates Plaintiffs' need for expedited briefing on the motion. However, this agreement should in no way be interpreted as a concession of any kind, on any issue, by Defendants, including the existence of harm. Further, the filing of this document should not be deemed to constitute a waiver of any objection or defense outlined in Fed.R.Civ.P. 12.
6. State Official Defendants request an additional twenty-one (21) days to respond to Plaintiffs' Motion for Preliminary Injunction.
7. Plaintiffs request an additional ten (10) days to reply to the State Official Defendants'

response in opposition to Plaintiffs' Motion for Preliminary Injunction.

8. The parties further request a hearing consistent with a July 10, 2023 reply deadline and an expedited ruling on these important issues consistent with this proposed schedule.

9. Granting this motion will not affect any other deadlines in this matter.

Dated: May 18, 2023

Respectfully submitted,

/s/ Megan Lambert

Megan Lambert
Oklahoma Bar Number: 33216
American Civil Liberties Union of
Oklahoma Foundation
P.O. Box 13327
Oklahoma City, OK 73113
(405) 524-8511
mlambert@acluok.org
Counsel for Plaintiffs

s/Garry M. Gaskins, II

GARRY M. GASKINS, II, OBA No. 20212
Solicitor General
ZACH WEST, OBA No. 30768
Director of Special Litigation
WILL FLANAGAN, OBA No. 35110
Assistant Solicitor General

OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA
313 N.E. 21st Street
Oklahoma City, OK 73105
Direct: (405) 521-3921
Garry.Gaskins@oag.ok.gov
zach.west@oag.ok.gov
William.Flanagan@oag.ok.gov
Counsel for State Official Defendants

CERTIFICATE OF SERVICE

I hereby certify that this motion will be served via the U.S. Postal Service.

/s/ Megan Lambert
Megan Lambert
Oklahoma Bar Number: 33216
American Civil Liberties Union of
Oklahoma Foundation
P.O. Box 13327
Oklahoma City, OK 73113
(405) 524-8511
mlambert@acluok.org
Counsel for Plaintiffs